

Remarks

Following entry of the current amendment, claims 1-12, 15, and 17 are pending. Claims 13 and 14 are cancelled. Claims 20-21 are withdrawn from consideration as being drawn to a non-elected invention. Claim 1 has been amended to focus on particular embodiments of the invention. Support for the amendments may be found in the specification as originally filed (see, for example, page 4 lines 23-25 and claim 14 as originally filed).

Applicants acknowledge withdrawal of the prior 102(b) rejection of claims 1-5, 10 and 17 over **HCAplus 117:131082**; the prior 103(a) rejection of claims 1-4, 6, 9, 10, and 17 over **Grimova**; and the prior 112, second paragraph, rejection of claim 17. Applicants also acknowledge retention of the prior 103(a) rejection of claims 1-5, 10, and 17 over **Friebe et al.** However, the Examiner has failed to state the status of the prior 103(a) rejection of claims 1-5 and 17 over **Chiellini et al.** Therefore, Applicants presume withdrawal of the 103(a) rejection of claims 1-5 and 17 over **Chiellini et al.**

The Office Action states claims 1-5, 10, and 17 are rejected under 35 USC §103(a) as being unpatentable over **Friebe et al.** because **Friebe** teaches a small group of compounds within a genus that overlaps in subject matter with the instant genus, and it would have been obvious for one of ordinary skill in the art to easily envision and test the compounds that overlap with the prior art genus of compounds. Applicants respectfully traverse this rejection. However, in the interest of furthering prosecution, Applicants amend claim 1. Claims 2-5, 10, and 17 depend from claim 1. In light of the amendment, Applicants respectfully request withdrawal of the rejection.

The Office Action states claims 1-5, 10, 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Friebe et al.** Applicants amend claim 1.

Claims 2-5, 10, and 17 depend from claim 1. Claim 13 has been cancelled. In light of the amendment, Applicants respectfully request withdrawal of the rejection.

The Office Action states claims 1-5, 9-10, 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Baker et al.** Applicants amend claim 1. Claims 2-5, 9-10, and 17 depend from claim 1. Claim 13 has been cancelled. In light of the amendment, Applicants respectfully request withdrawal of the rejection.

The Office Action states claims 1-4, 6, 9, 10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Grimova et al.** Applicants amend claim 1. Claims 2-4, 6, 9, 10, and 17 depend from claim 1. In light of the amendment, Applicants respectfully request withdrawal of the rejection.

The Office Action states claims 1-14 and 17 are rejected under 35 U.S.C. 112, first paragraph, as not being reasonably enabled by the specification. Applicants traverse this rejection. However, in the interest of furthering prosecution, Applicants amend claim 1. Claims 2-14 and 17 depend from claim 1. In light of the amendment, Applicants respectfully request withdrawal of the rejection.

The Office Action states that claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse this rejection. However, in the interest of furthering prosecution, Applicants amend claim 15 as suggested by the examiner. In light of the amendment, Applicants respectfully request withdrawal of the rejection.

In a prior response, Applicants traversed the restriction requirement, for lack of unity of invention, among Group I claims 1-15 and 17; and Group II claims 20-21. Applicants acknowledge the Examiner's comments regarding unity of invention in the instant Office Action. However, in light of the current amendments, Applicants respectfully request reconsideration and withdrawal of the restriction requirement for lack of unity of invention among Groups I and II, and examination of claims 20-21.

Applicants believe the present claims are in condition for allowance and such action is respectfully requested. Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith.

Should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. If the examiner has any outstanding issues with the pending claims, she is encouraged to telephone the undersigned at (919)483-6334 for expeditious handling.

Respectfully submitted,



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